

SUBJECT: Revising provisions on certain programs providing mental health services

COMMITTEE: Corrections — favorable, without amendment

VOTE: 6 ayes — Herrero, Kacal, Allen, V. Jones, Lopez, Swanson
0 nays
3 absent — Murr, Sherman, Toth

SENATE VOTE: On final passage (May 4) — 31 - 0

WITNESSES: For — Lee Johnson, Texas Council of Community Centers (*Registered, but did not testify*); Sebastien Laroche, Methodist Healthcare Ministries; Hannah Gill, NAMI Texas)
Against — None
On — John Nicks

BACKGROUND: Concerns have been raised that a shortage of hospital beds and understaffing in the state psychiatric hospital system have resulted in long wait times for placement in mental health facilities for competency restoration.

DIGEST: SB 1677 would establish provisions for certain grant programs related to mental health services, provide for the establishment or expansion of regional behavioral health centers or jail diversion centers, and establish requirements for state audits on inmates in county jails that need competency restoration services.

Community collaboratives. SB 1677 would require the Health and Human Services Commission (HHSC) to establish procedures to assist a community collaborative that included a county with a population of less than 250,000 with the submission of a petition to apply for a grant to reduce recidivism, arrest, and incarceration among individuals with

mental illness and to reduce wait time for forensic commitment.

Grant requirements. If HHSC was appropriated money for a state fiscal year that exceeded the total amount of grants awarded in the previous fiscal year, HHSC would be required to either accept applicants that were not selected as grant recipients in the previous year or select applicants that were selected in the previous year, but required additional funding. These requirements would apply to:

- grant programs for mental health services; and
- grant programs to reduce recidivism, arrest, and incarceration among individuals with mental illness and to reduce wait time for forensic commitment.

Regional behavior health centers or jail diversion centers. To the extent that money was appropriated to HHSC for that purpose, SB 1677 would require HHSC, in cooperation with local mental health authorities in rural areas, to contract with nonprofit organizations to establish or expand behavioral health centers or jail diversion centers in the authorities' local service areas to:

- provide additional forensic hospital beds and competency restoration services;
- provide inpatient and outpatient mental health services to adults and children; and
- provide services to reduce recidivism and the frequency of arrest, incarceration, and emergency detentions among persons with mental illness in the service areas.

The executive commissioner would be required to develop criteria for the evaluation of applications or proposals submitted by a nonprofit organization seeking to contract with the commission.

Auditor report. SB 1677 would require the state auditor's office to conduct an audit of the inmates in county jails who were waiting for a forensic hospital bed for the provision of competency restoration services.

The audit would have to identify any issues and inefficiencies in the commitment process.

The report would be required to include:

- a review of the history and status of the waitlist beginning September 2018 through the most current year for which information was available;
- any disparities in treatment in the forensic commitment process based on race, gender, ethnicity, or age; and
- any other analysis the state auditor determined appropriate.

The state auditor would be required to prepare a report on the audit by December 1, 2024.

The bill would take effect September 1, 2023, and require that the executive commissioner adopt rules to implement the provisions of the bill by the effective date.

NOTES:

According to the Legislative Budget Board, the bill would have an estimated negative impact of \$696,019 to general revenue related funds through fiscal 2024-25.